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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>See attached Certificate of Electronic Submission</u></p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number	Filed
		10/743,261	December 22, 2003
		First Named Inventor	
		Chen et al.	
		Art Unit	Examiner
		1744	Shay L. Karls
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>58,352</u></p>		<p> Signature Eric G. Zaiser Typed or printed name</p> <p>864-271-1592 Telephone number</p> <p><u>23 OCTOBER 2007</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Chen et al.)	Examiner:	Shay L. Karls
)		
Serial No: 10/743,261)	Group Art Unit:	1744
)		
Filed: December 22, 2003)	Deposit Account:	04-1403
)		
Confirmation No: 4458)	Customer No:	22827
)		
Title: "Mop with Disposable Wipe and Squeegee Blade")		
)		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Notice of Appeal, Applicants respectfully request review of the basis of the rejections presently outstanding for at least the reasons set forth below.

A. 35 U.S.C. §102(b) Rejections

Independent claims 1 and 31 presently stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by each of the following references: U.S. Patent No. 2,678,458 (Vosbikian et al.), U.S. Patent No. 3,526,918 (Leland), U.S. Patent No. 4,455,705 (Graham), and German Patent No. DE 2643717 (Pfeifer). The rejections should be withdrawn, since the references do not teach all presently claimed elements.

Namely, Vosbikian et al. is directed to a mop head having sponge material secured to a flexible backing that extends beyond the sponge material at one or more sides to form a squeegee. In contrast, pending independent claims 1 and 31 recite a

“disposable wipe” with a squeegee blade attached to an end of the disposable wipe, along with other limitations. Vosbikian et al. specifically refers to a block of sponge material.¹ The Office Action concludes that the block of sponge material teaches a “disposable wipe” by dissecting the claim language. Namely, the Office Action deems it “disposable” since it can be removed and thrown away after use and offers a dictionary definition of the work “wipe” alone for the proposition that a wipe is a piece of absorbent material used for wiping.²

In contrast, in the present specification, the term “disposable wipe” is used to refer to sheet-like pieces of material, for example nonwoven sheets of materials which can be folded around opposite ends of the mop head to cover parts of the mop head.³ Other examples of disposable wipes can be found in examples 1-4 utilizing SWIFFER wet wipes and dry wipes.⁴ Because Vosbikian et al. refers to a block of sponge material, it is submitted that the reference does not teach a “disposable wipe”.

Similarly, at column 2, lines 1-23 of Leland, the specification refers to pad members which may be of any shape and may be formed of any suitable material, but are preferably of rectangular shape constructed of spongy compressible material. In the figures, Leland depicts blocks as well, and in its abstract refers to the “sponge-like pad” for use on curved windows. Although Leland refers to materials which may be “available in a variety of suitable forms such as porous sheet, slab, or block-like form, woven or non-woven fabrics, moldable powders or other resins capable of being

¹ See, e.g. Figs. 1 and 4 and Col. 2, lines 11-16.

² See, for instance, the Final Office Action mailed April 23, 2007 at pages 2 and 13-14.

³ See paragraph 0004 of the present application as published (2005/0132519).

⁴ See paragraphs 0081 to 0084 of the present application as published.

foamed,” this appears to be a reference to constructing the “three-dimensionally compressible pad members 12” and not a “disposable wipe.”

Graham at column 2, lines 50-52 refers to its cleaning component 15 as including a cleaning pad 16 preferably formed of sponge-like material, such as pre-polymer polyester urethane. However, for the same reasons noted above, the disclosure of a cleaning pad with nothing further does not teach a “disposable wipe”.

Additionally with regard to Graham, claim 1 of the present application recites the limitation “wherein removal of the disposable wipe from the mop head causes the squeegee blade to also be removed from the mop head”. In the Office Action mailed April 24, 2007, element 30 is referred to as a “mop head” at page 4 and at page 14 the Office Action asserts that the squeegee blade could comprise both element 40 (the actual squeegee blade) and applicator head 10. Thus, according to the Office Action, removal of the applicator head 10 carrying the squeegee 40 (and cleaning component 15) from element 30 separates the squeegee from the mop head.

However, as shown by Graham at column 3, lines 57-62, element 30 refers not to a mop head, but a yoke on the mop handle. In Graham, applicator head 10 receives the cleaning member 15. Even assuming, for the sake of argument only, that the pad of the cleaning component 15 corresponds to a “wipe”, the squeegee blade 40 is attached to the applicator head 10 and not the yoke 30 as can be seen in Figure 1 of Graham. Furthermore, as noted above, yoke 30 is part of the handle 25. Thus, Figure 5 shows the entire mop head assembly being removed from the handle. However, this does not teach removal of the disposable wipe from the mop head causing the squeegee blade to also be removed from the mop head.

Claims 1 and 31 have also been rejected as allegedly anticipated by Pfeifer. As noted previously by Applicants,⁵ Pfeifer depicts a squeegee blade embedded within a cloth of some sort, and not a squeegee blade attached to an end of the wipe. Pages 15-16 of the April 24 Office Action state that it appears from the pictures that the squeegee is embedded within the cloth. Shortly thereafter, the Office Action notes that the blade is located at a top end of the cloth. However, the Office Action does not address the seeming admission that the blade is not attached to an end of the cloth, but is instead embedded in the cloth. Accordingly, the rejections on this basis should be withdrawn.

B. 35 U.S.C. §103(a) Rejections

Claims 3 and 4 have been rejected as allegedly obvious over Pfeifer alone. Namely, at set forth at page 11 of the April 23 Office Action, claims 3 and 4 are stated to be obvious since it is known in the art to use mop heads of various sizes for different jobs. The rejection goes on to state that it would have been obvious to use a smaller mop with the wipe of Pfeifer "since the blade would then be capable of being on the handle attachment surface because the wipe would wrap further around the mop head." Applicants respectfully request withdrawal of this rejection for at least the following two reasons.

First, the basis of the rejection is a hindsight reconstruction of the claimed invention. Namely, the motivation to use a smaller mop head with the wipe of Pfeifer is for the specific reason of placing the blade on the handle attachment surface as presently claimed. At page 16 in the April 24, 2007 Office Action, another reason, that

⁵ See Response mailed January 24, 2007 at page 11.

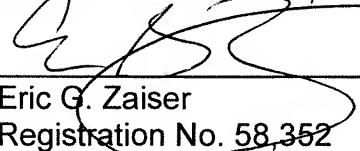
use of a smaller mop head would allow the user to mop at hard-to-reach areas, is given. However, even if a smaller mop head were to be used, the reasoning does not address why one of skill in the art would use the wrong sized cloth for a particular mop head.

Second, as noted by Applicants at pages 11 and 12 of a response dated January 24, 2007, the wipe in Pfeifer is positioned so that one part of the squeegee blade sits within the groove depicted in Figure 2. Namely, since tip of blade 5 extends into the groove 6, the groove can maintain the blade in a stable location. Therefore, in addition to the improper hindsight motivation, this rejection should be withdrawn since the suggested modification would disregard an important feature of Pfeifer. If Pfeifer were for some reason to be modified so that the blade wraps around to the opposite of the mop head, the advantage of groove 6 would be lost. Accordingly, Applicants respectfully submit that the proposed modification is improper.

Applicants respectfully request withdrawal of the rejections for at least the reasons set forth above. Examiner Karls is invited and encouraged to telephone the undersigned, should any issues remain after consideration of this request. Please charge any additional fees required by this Request to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.


Eric G. Zaiser
Registration No. 58,352
P.O. Box 1449
Greenville, SC 29602-1449
Telephone: (864) 271-1592
Facsimile: (864) 233-7342

23 OCTOBER 2007
Date